

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

MARIAN SNOW a/k/a MARIAN SNOW-) Civil Action No. 5:14-cv-00025-D
GIBBONS,)
)
 Plaintiff,)
) **DISCOVERY PLAN**
 vs.)
)
 DISCOVER FINANCIAL SERVICES)
(INC.),)
)
 Defendant.)
)

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on April 25, 2014 by telephone and was attended by:

James L. Davidson of Greenwald Davidson PLLC, counsel for plaintiff Marian Snow (“Plaintiff”), and Phillip A. Harris, Jr. of Nelson Mullins Riley & Scarborough LLP, counsel for defendant Discover Financial Services (Inc.) (“Defendant”) and DB Servicing Corporation.

2. **Pre-Discovery Disclosures.** The parties will exchange by May 23, 2014 the information required by Fed. R. Civ. P. 26(a)(1).
3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

The allegations in Plaintiff’s Complaint, including the phone calls alleged to be made to Plaintiff by Defendant, and the process used to make those calls, as well as the affirmative defenses raised by Defendant. To the extent Defendant seeks to compel arbitration, the Parties may also need to take discovery regarding whether an enforceable

agreement to arbitrate exists.

Disclosure or discovery of electronically stored information should be handled as follows:

The Parties anticipate that certain discoverable materials are stored electronically. The parties propose to seek to develop a mutually agreeable electronic discovery protocol and will meet and confer regarding methods for the collection, review, and production of electronic records.

The parties have agreed to an order regarding claims of privilege or of protection as trial preparation material asserted after production, as follows:

If necessary, the Parties will work together to craft an appropriate protective order and present it to the Court.

All discovery commenced in time to be completed by **December 19, 2014**.

Maximum of **35** interrogatories by each party to any other party. [Responses due **30** days after service].

Maximum of **35** requests for admission by each party to any other party. [Responses due **30** days after service].

Maximum of **5** depositions by plaintiff and **5** by defendant.

Each deposition limited to maximum of **7** hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due: from plaintiff by **September 5, 2014** from defendant by **September 26, 2014**.

Supplementations under Rule 26(e) due **October 3, 2014**.

4. Other Items.

The parties do not request a conference with the court before the entry of the scheduling

order.

The parties request a pretrial conference in **March 2014**.

Plaintiff(s) should be allowed until **July 25, 2014** to join additional parties and until July **25, 2014** to amend the pleadings.

Defendant(s) should be allowed until **July 25, 2014** to join additional parties and until **July 25, 2014** to amend the pleadings.

All potentially dispositive motions should be filed by **January 19, 2015**.

Settlement cannot be evaluated prior to discovery taking place. Following discovery, the Parties believe that settlement may be enhanced by mediation.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff by **February 20, 2015** and from defendant by **March 6, 2015**.

Parties should have **20** days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by **April 3, 2015** and at this time is expected to take approximately **2-3** days.

Defendant states that it is not waiving its right to compel arbitration upon the filing of this report or participation in the 26(f) conference.

Respectfully submitted, this 9th day of May, 2014.

/s/ James L. Davidson
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*Counsel for DB Servicing Corporation and
Discover Financial Services*

CERTIFICATE OF SERVICE

This is to certify that on May 9, 2014, the foregoing **DISCOVERY PLAN** was electronically filed with the Clerk of the Court using the CM/ECF System, which will provide notice to the counsel below:

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